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FEDERAL COMMUNICATIONS COMMISSION
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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)
Toll Free Service Access Codes) CC Docket No. 95-155

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COMMENTS OF SOUTHWESTERN BELL TELEPHONE COMPANY

SOUTHWESTERN BELL TELEPHONE COMPANY

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COMMENTS OF SOUTHWESTERN BELL TELEPHONE COMPANY

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SUMMARY

Earlier this year, 800 numbers were being consumed at an alarming rate, and the Commission instituted a rationing plan. Now the Commission seeks "to assure that, in the future, toll free numbers are allocated on a fair, equitable, and orderly basis."¹ Southwestern Bell Telephone Company (SWBT) files these Comments in support of that goal.

If the Commission takes only one action in this docket, it should require that all toll free numbers be assigned only to bona fide customers (i.e., those customers requesting and intending to use numbers). As long as Resp Orgs (responsible organizations) are allowed to reserve numbers for customers that did not request them, and in some cases neither want nor plan to use them, the industry will constantly be running short. Requiring numbers to be assigned only to bona fide customers will make unnecessary other proposed actions -- such as deposits for toll free numbers and personal identification numbers.

¹ In the Matter of Toll Free Service Access Codes, Notice of Proposed Rulemaking, CC Docket No. 95-155, ¶ 1, released October 5, 1995 (NPRM).

Also, the Commission must not require the RBOCs (Regional Bell Operating Companies) or DSMI (Data Base Services Management, Inc.) to collect deposits, escrows, reports, proprietary information, customer data, or certifications from Resp Orgs. This would pose an extreme administrative and legal burden, and would not solve the problem of number hoarding.

There is a confusion in the industry that DSMI is somehow separate and shielded from the RBOCs. The Commission, however, ordered the RBOCs to manage the data base. DSMI is merely the RBOC's agent to comply with the Order. As an agent for the RBOCs, DSMI knows what the RBOCs know, and vice versa.

The NASC (Number Administration & Service Center), on the other hand, was established in response to industry requests for a neutral third party to handle customer information with Resp Orgs. The NASC and the RBOCs are entirely separate.

Should the Commission revisit these issues, it should remove the requirement that the RBOCs manage the 800 data base. A different entity could then accept this responsibility and could retain DSMI or handle business matters internally. Currently, however, any direction to DSMI is a direction to the RBOCs, and vice-versa. Also, the Commission cannot direct the NASC, the function of which is performed by a neutral third party, because the NASC is not a common carrier.

Changes in number management or allocation will likely require changes to the SMS/800 software. Changes to network SCPs (Service Control Points) may also be required. The Commission should not assume that all requirements resulting from this proceeding will automatically appear in March 1996. Changes to

software will require development, testing, and implementation. Many of the proposals in this proceeding (such as the circuit breaker model) would require significant system modifications.

Finally, before a new toll free SAC (Service Access Code) is opened, the Commission must approve the tariffs of the Local Exchange Carriers (LECs) for 800 service. These tariffs were filed 32 months ago, and the Commission has yet to rule on them.

I. TOLL FREE NUMBERS SHOULD BE ASSIGNED ONLY TO BONA FIDE CUSTOMERS.

The Commission (at paragraph 13 of the NPRM) requests comments on the assignment of 800 numbers to subscribers who have not requested them. This questionable practice, like giving a transfusion from scarce blood supplies to someone who is not ill, contributed to the recent shortage of 800 numbers. Moreover, since some Resp Orgs do not charge the customers receiving 800 numbers, there is no customer incentive for conservation. If Commission rules mandated the assignment of toll free numbers only to those customers requesting and intending to use them (i.e., bona fide customers) the Commission and the industry would not be faced with recurring emergencies.

The Commission proposes that records of customer requests for 800 numbers be retained for two years. This is arbitrary and likely would not improve matters. A two year retention requirement would not establish the existence of a customer when a number is assigned, or two years later. If a customer disconnects after two years, the service provider could, for example, leave the number in working status. The problem will only be solved by requiring bona

fide customers for all 800 numbers. Only independent audits will ensure such customers exist.

The recent Commission rationing plan (see letter from Kathleen Wallman to Database Systems Management, Inc., dated August 17, 1995) unfortunately only exacerbates the problem. If a Resp Org accumulated an extraordinarily large amount of 800 numbers from the "available" pool during late 1994, that Resp Org received a larger weekly allotment than other Resp Orgs. Obviously, if all or most Resp Orgs followed this precedent, no amount of resources would meet the demand; yet that is exactly the conduct encouraged by the current allocation and other proposed procedures in this notice. If the current plan remains unchanged, every Resp Org will be motivated to take as many numbers as possible from the "available" pool.

II. A DEPOSIT IS UNNECESSARY.

In paragraphs 14-16, the Commission proposes to charge Resp Orgs a deposit for each toll free number. A deposit, however, would be financially prohibitive to small Resp Orgs and to small customers if flowed through to them, but no problem at all to large Resp Orgs and large customers with significant cash reserves. Requiring deposits would, moreover, generate a myriad of administrative and billing issues which cannot be adequately analyzed in this short comment cycle. The Commission should ensure that Resp Orgs reserve toll free numbers only for bona fide customers with real needs. Building a labyrinth of deposits and penalties is not necessary.

III. RESERVATION TIME LIMITS ARE LESS THAN EFFECTIVE ABSENT A RULE REGARDING NUMBERS AND CUSTOMERS.

Industry guidelines for 800 number assignment, with their variety of status codes and intervals, demonstrate the weaknesses of "consensus building." For instance, a toll free number for a telethon can be: a) held in reserve status 2 months, b) moved to assigned status for 12 months, c) be active for 1 week, then be suspended for another 12 months. The number can thus be held for 26 months for one week of service.

The Commission proposes to reduce the time a number can be in "assigned" status from 12 to 4 months. This would simply allow a Resp Org to warehouse an "attractive" number for 4 months, while "prospecting" the market for a customer. Another concept would leave numbers in "disconnect" status only 4 months. One can picture the turmoil created by putting back into assignable status "1-800-COLLECT" after 4 months of disconnection.

In paragraph 18, the Commission proposes to reduce the time that a number can remain in reservation status prior to being placed into working status. Sixty days is the current maximum; the Commission proposes 30 or 45. Thirty days is possibly sufficient to close a sale involving a specific toll free number (facilities may not be in place, but the sale can be closed). The time a number may remain in reservation status (and the time in assignment and disconnected status), however, is often irrelevant, because many Resp Orgs appear to immediately place most 800 numbers directly into working status. If this is happening, either every reservation is a sale, or Resp Orgs are simply not interested in using the various status codes. Since the data base record

contains no customer information, the administrators have no way of determining if all these new "working" numbers are tied to a bona fide toll free customer, or if they merely represent a bypassing of the guidelines.

Regarding concerns with disconnects, the Commission (at paragraph 19) seeks comment on the time allowed before a disconnected number is returned to the "available" pool. This issue, like so many things in life, is relevant only if all Resp Orgs play by the rules.

If a customer disconnects his/her toll free service, the Resp Org normally would begin "aging" the 800 number to return it to the "available" pool. The data base administrator, however, has no way of knowing this, because the data base record has little, if any, customer information. A Resp Org could simply mark the disconnect in its own data base and route calls for that number to an appropriate recording. The SMS record could be left untouched, showing the disconnected number as a working number. The Resp Org then could re-use that number at a later date, without the number ever returning to the "available" pool.

This procedure is especially effective when 800 numbers are being rationed.

Resp Orgs can thus circumvent whatever time limits the Commission establishes for any status code. If the Commission wants to accomplish anything, it must rule that (1) a number cannot be reserved unless a bona fide customer negotiation is under way (as stated in industry guidelines); 2) a number cannot be moved into working status unless a sale is completed to a customer

intending to use the number; and 3) disconnected numbers must be returned to the "available" pool.

IV. PERSONAL IDENTIFICATION NUMBERS ARE NOT NEEDED FOR PAGING COMPANIES.

The Commission, in exploration of PIN plans, asks for a definition of low use.² This is an unanswerable question. Any computation could vary by the time period sampled or included in the determination of an average, and only has meaning when compared to some other measure of usage, such as "moderate". Any scheme which determines the service a customer may have, based upon measuring amounts of usage, has implications regarding privacy, competitive data, and the role of government in a free society. These are determinations best left to resolution by the market. If a nascent business elects a PIN plan only to find that it needs full 800 service due to growth, it should have to grapple with changing its 800 number as a consequence of its own actions, not those of a regulator. What is important is that the toll free number is only given to a customer that wants it and has an intent to use it.

Paging companies are often pointed to as examples where PINs may be a vehicle for assigning toll free numbers. Some paging companies, though, prefer to use individual toll free numbers for each customer. These paging companies, either as Resp Orgs or through the services of other Resp Orgs, however, should not be allowed to tie up huge banks of toll free numbers (in some cases, tens of thousands), when no specific customer, other than the

² Id. At ¶ 21.

paging company itself, exists for each number. Paging companies should follow the same rules as everyone else. No number should be assigned to a paging company unless the company has a customer for that number. Assigning large banks of numbers to a paging company for future sales is no different than a Resp Org taking large banks of numbers for future sales (especially if those numbers are easily recognizable or vanity numbers). If paging companies are exempt from the requirement that each number must be assigned to a bona fide customer, then all Resp Orgs will be motivated to set up "paging company" customers as a holding point for numbers. The Commission must require that numbers are only assigned to real customers, and the rule must apply to everyone.

V. MECHANIZED INTERFACES DO NOT NECESSARILY PROVIDE UNDUE ADVANTAGE; ALL MASS, COMPUTER-GENERATED TRANSACTIONS SHOULD BE PROHIBITED.

In paragraph 23, the Commission addresses the use by some Resp Orgs of mechanized interfaces between the Resp Org's computer and the SMS data base. The Commission asks if such arrangements give these particular Resp Orgs an unfair ability to generate large volumes of transactions at extremely high speeds.

Prior to the conversion to 800 number portability, certain large 800 service providers utilized their own mechanized ordering systems to process 800 orders. With the advent of 800 portability, it became necessary for these service providers to not only issue orders into their own ordering and billing systems, but also to issue transactions into the SMS/800 data base. Considering this double entering process unnecessarily cumbersome, these service providers requested an interface between their ordering

systems and the SMS/800. When the service provider issued an order into its own system, an SMS/800 transaction would be automatically generated, updating both systems from a single internal transaction.

On a single transaction basis, the company with a mechanized interface gains no advantage. "Dial-up" customers and mechanized interface customers both can submit transactions to the SMS/800. The problem occurs when the mechanized interface uses a computer program to generate large volumes of transactions that, contrary to the original intent of the mechanized interface, do not represent orders into the ordering party's own systems. This concern is not restricted solely to mechanized interface users, however. A dial-up user's personal computer can generate the same type of high volume transactions. The Commission thus should not look solely at the mechanized interface users. All mass transactions not order-based are the problem, however generated.

Resp Orgs generating random number search and reservation transactions may be violating the intent of the 800 guidelines. If no 800 number should be taken from the "available" pool unless a specific customer negotiation is involved, then any computer program randomly looking for available numbers is suspect. Assume a new NXX code (123) were being opened in SMS/800. If a Resp Org utilizes a computer program (either through the use of a mechanized interface or a personal computer) to generate sequential search and reserve transactions starting with the number 800-123-0000, all 10,000 numbers would be assigned in the amount of time it takes to process 10,000 transactions. If multiple Resp Orgs do this at the same time, it becomes a light speed battle for resources, with

other Resp Orgs frozen out of the system. The problem is exacerbated when the computer program issues a second transaction (for every successful number search and reservation) that moves the reserved number immediately into working status. This ties up the number for the Resp Org and bypasses the number reservation limits.

Mass, computer-generated transactions should be prohibited. Every number being reserved should be associated with a bona fide customer. Also, numbers should not be moved into "working" status unless a bona fide customer has ordered the number and intends to use it.

To monitor this situation, the Commission should request SMS/800 transaction volume reports on a Resp Org-by-Resp Org basis, showing the number of transactions each Resp Org issues on a daily or weekly basis. The Commission could then monitor for major spikes and investigate the cause. The Commission could also investigate how the mechanized interfaces are being used, if a Resp Org's daily volume inexplicably exceeds other Resp Orgs. In this way, the Commission can begin to find out exactly what is happening to the limited toll-free resource.

VI. THE 888 CODE MAY HAVE TO BE OPENED IN PHASES.

In paragraph 24, the Commission asks whether the opening of new toll free codes should be controlled. If guidelines ensured that toll free resources were assigned only for bona fide customers, this contra-market issue would be irrelevant. There could, however, be a demand spike when the rationing plan now in place is removed. If so, the proposal to allow numbers to be

reserved 45 days in advance of the next code opening might ameliorate the surge.

Absent strong rules, history has shown that numbers will deplete at an alarming rate. When "800-555" was opened, the entire 10,000 numbers were taken within a few minutes. Within 10 minutes, 90% of the new numbers were assigned to a single Resp Org.³ Similarly, when the industry was notified in August 1994 that 800 numbers might exhaust, demand exploded.

Thus, if the Commission does not require a bona fide customer for each 800 number and does not enforce the requirement with audits, the Commission should not open the entire 888 code all at once. Instead, only a three or six month supply of 888 numbers (controlled by central office code) should be placed in the "available" pool for March 1996 implementation. The Commission should then closely monitor the consumption of those numbers on a Resp Org by Resp Org basis. If the available numbers are used in an orderly manner, the Commission can, at the end of the initial period, authorize the release of the next set of codes into the "available" pool.

VII. THE COMMISSION MUST NOT SET NETWORK ENGINEERING REQUIREMENTS.

Paragraph 25 seeks comment on the purported need to require expansion of the data links between the SMS/800 and network SCPs. This is not a solution to any problems addressed by this NPRM. Expanding link capacity will not affect reasonable and fair assignment of toll free numbers. SWBT has engineered its network,

³ SNET Expedited Petition for Emergency Interim Relief, Report and Order DA 95-214 (released October 10, 1995).

including the links to SWBT's SCP (Service Control Point), based on expected loads. SWBT balances requirements, customer needs, and costs to reach network decisions. It would be inappropriate, to say the least, to expand engineering requirements to meet a one-time peak load. It would be equally inappropriate for the Commission to become involved in sizing SWBT's network and determining when and how SWBT implements network designs. The Commission should address the fairness of number assignment, and allow SWBT to configure its network.

Paragraph 30 concludes that routing calls using new codes through a tandem rather than an end office is both inefficient and unnecessarily costly. The Commission therefore wants all LECs to provide end office routing. Efficiency and costs to SWBT, however, are ignored. Each LEC's deployment requirements are different. The Commission has already recognized this by allowing different LECs to provide 500 service through different architectures. The considerations applicable to 500 service apply as well to toll free SAC codes. LECs must deploy their networks based on individual costs, demand, markets and competitors. The market should guide deployment decisions, not the Commission.

VIII. THE COMMISSION SHOULD NOT BECOME INVOLVED IN SMS/800 SYSTEM DESIGN ISSUES.

The Commission is concerned that performance of the SMS/800 data base may be degraded when 888 is opened.⁴ The SMS/800, designed by the RBOCs to meet certain operating criteria, is not expected to stand up to such an extreme one-time maximum

⁴ NPRM, ¶25.

load. The RBOCs are working with the hardware vendor and the OBF/SNAC (Ordering and Billing Forum/SMS Number Administration Committee) forum to address this problem. The Commission should not interfere with this process. Simply put, Commission involvement is not necessary.

IX. FORECASTED EXHAUST DATES WILL BE VALID ONLY IF RESP ORGS COMMUNICATE WITH THE DATA BASE ADMINISTRATOR.

In paragraph 27, and again at paragraph 31, the Commission addresses how to best predict and prepare for the exhaustion of a toll free code. The 800 code should have exhausted during the fourth quarter of 1996 (ample time to implement a solution). The NANPA (North American Numbering Plan Administrator) was notified in August 1994, and the NANPA notified the Industry Numbering Committee (INC) that same month of the need for a long-term solution. Immediately thereafter, the consumption rate of 800 numbers increased.

In January 1995, the INC notified the industry that relief would come in the form of a new code (888). By April 1995, however, the date of projected 800 exhaust had changed from late 1996 to late 1995. By June 1995, exhaust was expected to occur during July or August 1995.

During this period of dramatic growth in consumption (the average weekly consumption before August 1994 was 24,000 numbers, and the average for April, May and part of June 1995 was over 70,000), none of the Resp Orgs experiencing major increases in consumption contacted the data base administrators to indicate any unusual requirements for numbers. The exhaust forecasts were

incorrect because these Resp Orgs did not announce their needs. Even during the period of alarming growth, when industry meetings were addressing alternative conservation issues, none of these Resp Orgs indicated that anything extraordinary was occurring.

Absent input from Resp Orgs, the data base administrator (regardless of who it is) cannot accurately predict exhaust. The Commission (or the industry) can set triggers for action and require minimal implementation dates, but, unless Resp Orgs communicate accurately with the administrator, the plans will be worthless.

- X. THE COMMISSION MUST NOT MAKE NETWORK DEPLOYMENT DECISIONS FOR SWBT, NOR SHOULD THE COMMISSION REQUIRE ALL CODES TO BE FUNCTIONAL IN ALL SWITCHES BY A DATE CERTAIN.

Paragraphs 28 and 29 discuss a six month implementation period for all new toll free codes. The Commission would base this requirement on the assumption that switch vendors can all have the toll free codes opened in their SSP software immediately. The Commission further speculates that all switches should be capable of handling all toll free numbers no later than February 1997.

SWBT, however, has yet to receive formal commitments from its switch vendors about the timing and cost of opening all toll free numbers in SWBT switches. For example, some vendors have yet to finalize whether the existing IN (Intelligent Network) SSP (Service Switching Point) software will be upgraded, or if the vendor will only upgrade IN for the first few codes and then include the remaining codes in an AIN (Advance Intelligent Network) release. If the latter, deployment by February 1997 may not be feasible in all SWBT switches.

Even if this issue were not present, SWBT would object to the Commission's ordering SWBT to take specific actions pursuant to specific schedules. When desired results can be achieved by SWBT translations, the problems created are not so severe; however, when SWBT is dependent upon the schedules (and more importantly, the prices) of its switch vendors, serious difficulties arise. If a switch vendor knows that SWBT must purchase the vendor's equipment to meet a Commission deadline, SWBT will not negotiate from strength. Instead, SWBT becomes the vendor's hostage.

SWBT deployment decisions are driven by the marketplace, and there will certainly be market pressure to implement toll free codes. It is SWBT's decision, however, not the Commission's.

XI. THE COMMISSION SHOULD REQUIRE MONITORING REPORTS.

SWBT supports the monitoring of toll free number consumption.⁵ Reports should show specific Resp Org number consumption, as well as system consumption. The Commission, or a delegated industry body, can then identify extraordinary growth, determine if it is valid, and estimate if it will hasten exhaust. The enforcement group, if other than the Commission, must have a direct channel and recourse to the Commission when action is needed. This group should not be one of the existing industry fora, unless it is given authority to stop inappropriate and unnecessary number depletion. Because of the potential conflict of interest, such authority should not reside within the RBOC data base administration team.

⁵ NPRM, ¶ 31.

XII. THE COMMISSION MUST SET RULES FOR WORKING NUMBERS AND MUST PENALIZE VIOLATORS.

Every number in working status in the data base should be associated with a bona fide customer. The Commission should require independent audits of Resp Orgs.

XIII. A RIGHT OF FIRST REFUSAL COULD CREATE MORE PROBLEMS THAN IT SOLVES.

Paragraphs 41-46 discuss the need to protect a customer's value in an existing 800 number, which might be damaged if another customer receives the corresponding 888 number. This concern assumes that the public cannot differentiate "1-800-THE CARD" from "1-888-THE CARD." If this is the case, then the public will not be able to differentiate between any 800 number and the associated 888 number (or 877, 866, etc.). Will it be necessary to duplicate not just vanity and easily recognizable numbers, but also every emergency and hot line number? This would seem to be the likely outcome of giving the right of first refusal to all current holders of 800 numbers. The Commission should not order a right of refusal based simply on the assumption of the public's inability to tell the difference between "800" and "888," nor on the assumption that use of a number signifies fraudulent or harmful intent. The cost in toll free resources could be far greater than anyone has ventured to guess.

The Commission must recognize that once a scheme for protecting a particular number is established, it may extend to all other numbers. Thus, a customer with a vanity 500 number will claim the same treatment should a new "500" code be opened. Likewise, a customer with an 888 vanity number could demand reverse

blocking of the corresponding 800 number. The scheme could eventually incorporate NPA splits and sundry other number changes.

Moreover, it is not clear how vanity numbers arising from NXX codes used in the Caribbean countries would be protected in 888. Would the Commission foreclose a whole NXX code in 888 to protect a customer's vanity number?

Another concern raised by allowing current holders of 800 numbers the right of first refusal on all toll free codes is discrimination. Holders of unique numbers (e.g. 1-800-FLOWERS) have developed a value in the 800 number, and believe that no one else should be assigned the corresponding 888 number. SWBT understands this concern; however, is preventing a Shakespearean company from using "1-888-THE-BARD," (1-888-843-2273) simply because someone else has "1-800-THE-CARD," (1-800-843-2273) any less of a problem? Preventing one company from using a number because of the possibility of confusion will impede users of toll free services. SWBT believes that emphasis by the holders of 800 numbers should be on protecting the rights of the advertised words (e.g. THE-CARD) rather than the numbers.

Establishing a right of first refusal, implying number ownership, could set a dangerous precedent and create an administrative morass. Such a plan would obviously diminish the size of all future toll free number resources. With all of these concerns and precedent-setting possibilities, the Commission must proceed carefully. SWBT recognizes the importance placed on this issue by major toll free number subscribers; therefore, the following process must be followed if a right to first refusal is ordered. Resp Orgs must first determine which numbers need

"protection." Protected numbers must then be placed into the "unavailable" status in the data base, with the NASC identified as the Resp Org. In the "unavailable" status, the record for the number is maintained in the SMS/800, but it is not downloaded into the network SCPs. Therefore, the links are not choked and the numbers do not take up storage space.

Also, making the number unavailable and identifying the NASC as the Resp Org prevents the original Resp Org from using this as a method of holding numbers for future use. A number should be taken out of its protected status only by written request to the NASC from the subscriber. The number would then be returned into the "available" pool for all Resp Orgs. With this process in place, deposits, one time charges, and other conservation methods are not needed.

Another alternative offered by the Commission would employ industrial classifications to insure that only non-competitors of an 800 subscriber could be assigned the corresponding 888 code. This would be impossible to manage and easy to circumvent -- an administrative and legal nightmare for the data base administrator. The proposal to use an intercept message to screen callers in case of 800/888 vanity number overlap would have several shortcomings, including: a) it would undermine the requirement that the average call set-up time for 800 data base service not exceed a 2.5 seconds average; b) numbering resources would be depleted because three (3) 800 numbers would likely be used; c) service would be impaired and customer confusion increased; d) customer call abandonment would likely increase; and

e) significant costs would be required for network development and support.

XIV. BILLING DISPUTES NEED NOT BE REGULATED.

The suggestion that misdials and credit processes for toll-free services require extraordinary handling is curious. These conditions exist for all services, including 800. The press frequently highlights an 800 customer who is receiving a huge a volume of calls intended for another, similar number. Customers will misdial, but this does not warrant FCC regulation. The handling of customer claims should be left to the market place.

XV. IN A SEPARATE PROCEEDING, THE COMMISSION SHOULD ESTABLISH THE PROCESS FOR SELECTING THE NEW MANAGER OF THE NATIONAL DATA BASE.

The Commission asks if DSMI (Data Base Service Management Inc.) should continue to administer the toll free data base, or if independent third parties, not affiliated with Bellcore, the RBOCs, or current owners of regional data bases, should perform this function.⁶ DSMI, however, is not the administrator of the data base. The RBOCs are. DSMI is an agent hired by the seven RBOCs to perform day-to-day administration. Lockheed, another supplier hired by the RBOCs, acts as the independent, third party NASC (Number Administration Service Center), with access to on-line customer records in SMS/800, providing a non-RBOC interface to the system.

⁶ NPRM, ¶ 49.

Replacing DSMI with a third party will not remove the RBOCs from data base administration, but rather will merely change the subcontractor reporting to the RBOCs. The real issue, therefore, is whether the Commission's Order in Docket 86-10 should be modified to remove the requirement that the RBOCs manage the SMS/800 data base. In this proceeding, SWBT would support a Commission directive requiring the removal of the RBOCs as the manager of the SMS/800 data base.⁷ However, SWBT believes that the Commission should obtain a full record from all interested parties before deciding the new party to manage the SMS/800 data base. SWBT believes that this phase would be best accomplished in a separate proceeding.

XVI. RESP ORGS SHOULD NOT BE REWARDED FOR TAKING AS MANY NUMBERS AS POSSIBLE FROM THE DATA BASE.

The NPRM proposes a "circuit breaker" which would shut-off the supply when Resp Orgs take extraordinarily large amounts of numbers.⁸ SWBT applauds this effort, but would point out that any conservation method based on historical number consumption will contain the same problems as the current 800 allocation algorithm. Any plan that rewards a Resp Org for taking many numbers will motivate all Resp Orgs to take many numbers. Conservation should insure that numbers are in working status only for bona fide customers. Rewarding Resp Orgs for grabbing numbers for customers who won't use them is, to put it gently, bad public policy.

⁷ Regardless of who administers the data base, the costs associated with data base administration must continue to be recovered from all of the users of the national data base.

⁸ NPRM, ¶¶ 53-55.

XVII. WHEN WILL THE COMMISSION RULE?

The NPRM, at paragraph 56, concludes that the cost recovery established in 800 tariffs should be used for additional toll free codes. The Commission, however, has yet to approve the LECs' 800 tariffs, which were filed 32 months ago!⁹ It is difficult to know what the current 800 cost recovery procedures are until the Commission either approves or rejects the 800 tariffs.

XVIII. CONCLUSION

SWBT's comments can be summarized in three points: 1) a number should not be placed into working status without a bona fide customer; 2) the Commission must rule on the outstanding SWBT 800 Service tariff; and 3) the Commission must revisit its order requiring the RBOC's to manage the national 800 data base. Following this path would minimize the need for Commission intervention and avoid the pitfalls of micro-managing this process.

Respectfully submitted,

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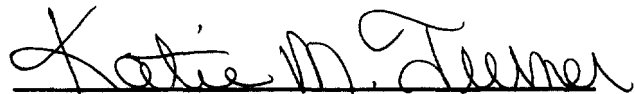
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⁹ This is not a typographical error.

CERTIFICATE OF SERVICE

I, Katie M. Turner, hereby certify that the foregoing, "Comments of Southwestern Bell Telephone Company" in Docket No. 95-155 has been filed this 1st day of November, 1995 to the Parties of Record.

A handwritten signature in cursive script, reading "Katie M. Turner", is written over a horizontal line.

Katie M. Turner

November 1, 1995